



Indiana Department of Environmental Management

Protecting Hoosiers and Our Environment Since 1986



IDEM Update

Air and Waste Management Meeting

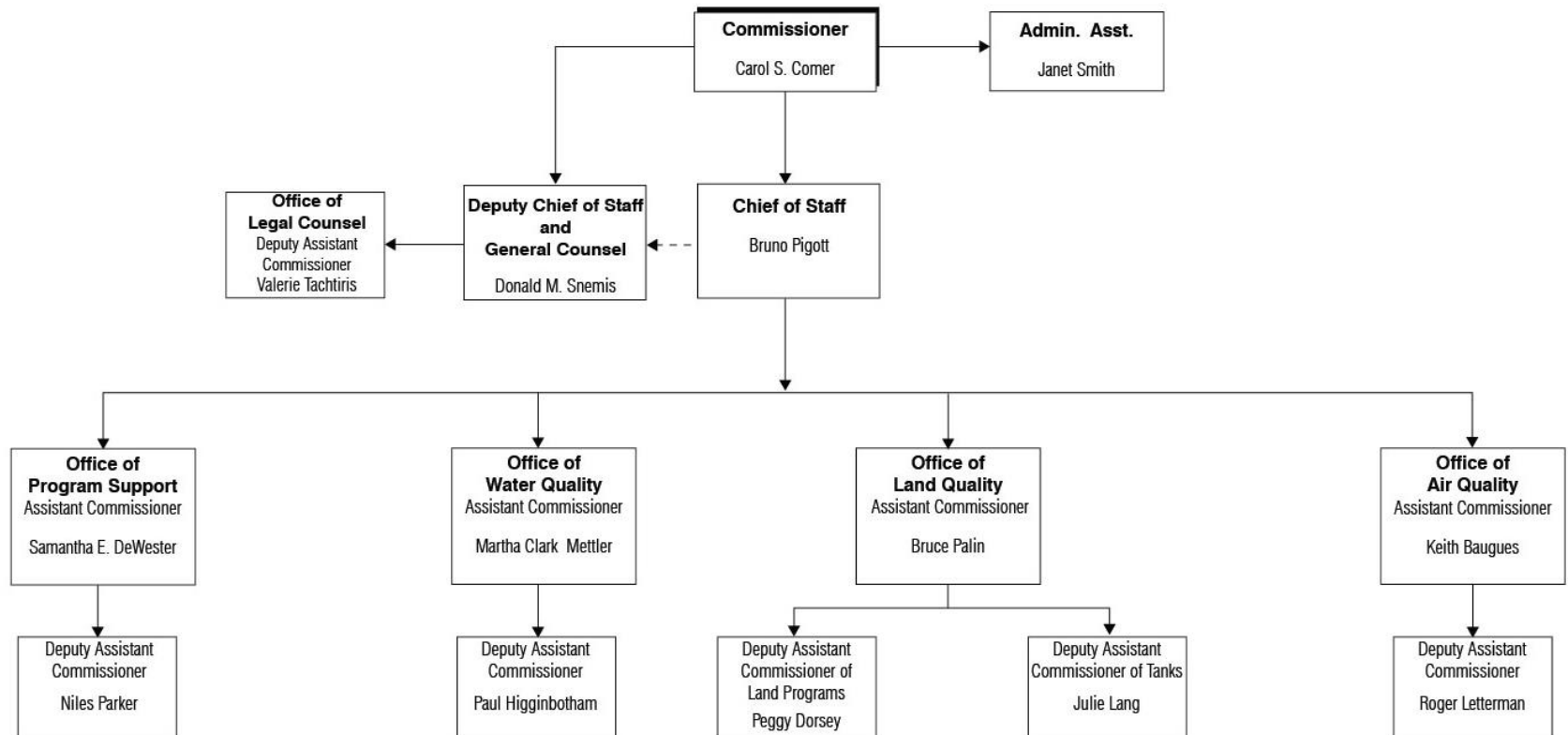
December 10, 2015

Carol S. Comer, Commissioner

Indiana Department of Environmental Management

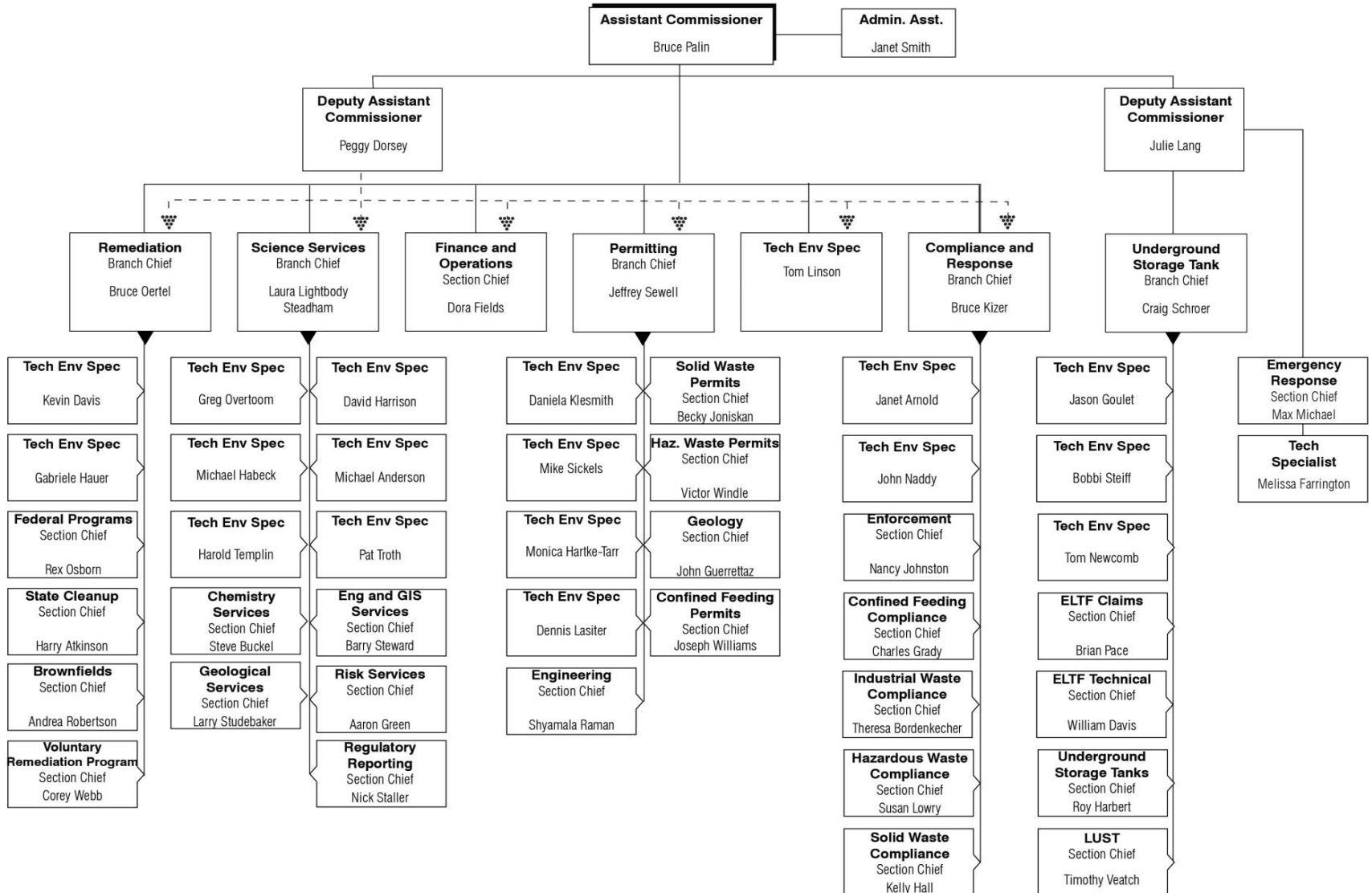


Leadership Team



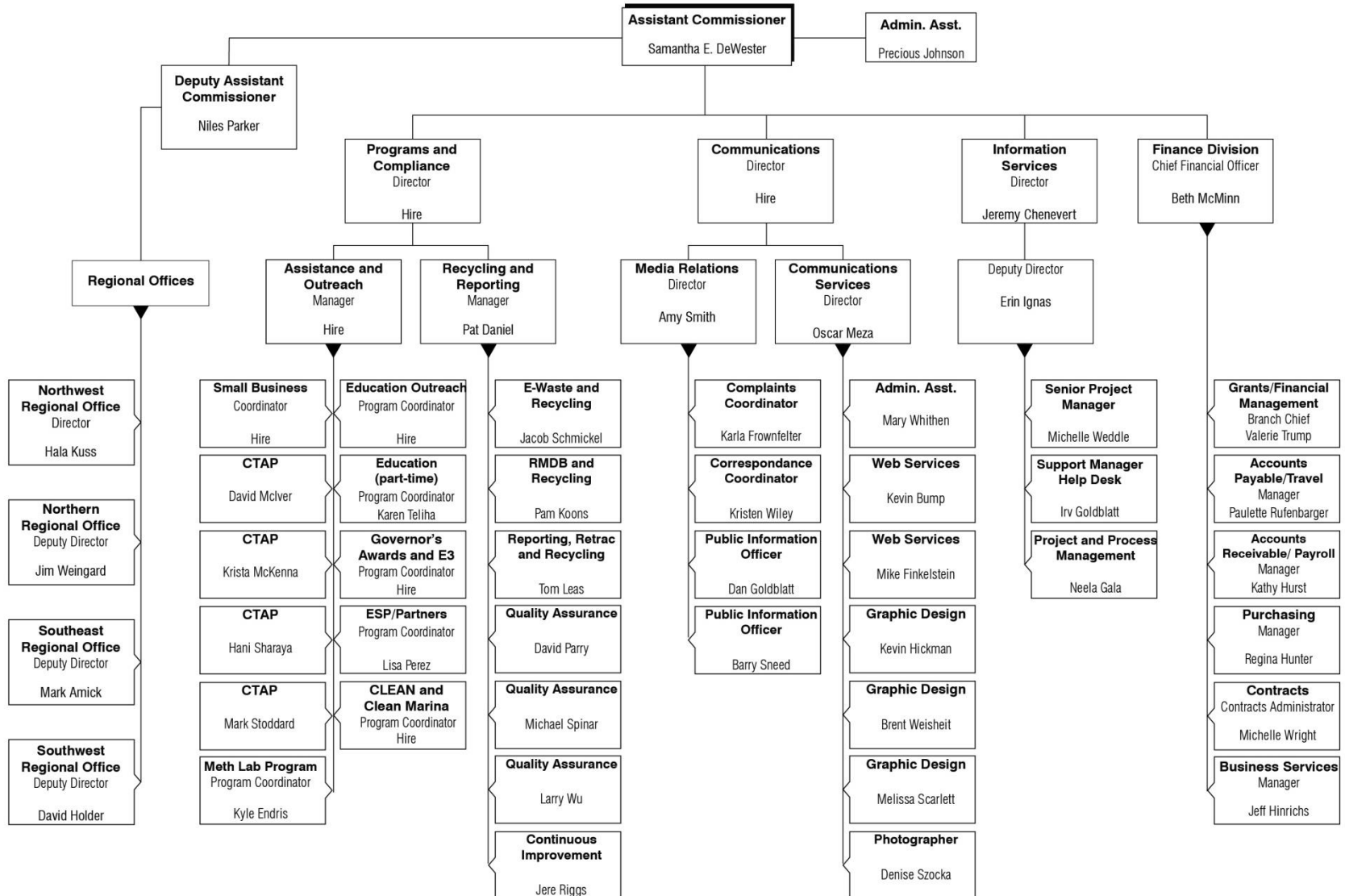


Office of Land Quality





Office of Program Support





2015 Legislation

- HB 1350—IDEM's Omnibus Bill
 - Established the In Lieu Fee Program.
 - Lengthened the term of a variance from one year to up to five years.
 - Allowed information to be submitted electronically.
 - Allowed Waste Water Treatment Operator tests to be given by a third provider.
 - Aligned the due dates for Solid Waste disposal fees and reports.
 - Removed duplicative reporting from the E-Cycle program.
 - Changed Hazardous Waste Disposal Fee payments from quarterly to annually.



2015 Legislation

- SB 311—Recovery of remedial action oversight costs.
 - Clarifies that IDEM may seek reimbursement for oversight costs.
 - Allows IDEM to seek reimbursement for oversight costs related to petroleum removal and remediation.
- HB 1185—Synthetic Plastic Microbeads
 - Bans the manufacturing of products with microbeads by December 31, 2017, and sale of products with microbeads by December 31, 2019.



2015 Legislation

- SB 312—Tank Reporting and Water Threat Minimization
 - Requires owners of Above Ground Storage Tanks (ASTs) within a critical area of concern to register their tank.
 - Requires Utilities that use surface water intakes to develop a threat minimization plan.
 - Requires IDEM to compile a list of agencies that currently regulate ASTs and reports that currently exist for ASTs.
 - Requires the Environmental Rules Board to develop rules to implement the reporting of tanks.
 - The bill exempts 23 types of ASTs from reporting.



2015 Legislation

- SB 390—Lake County Solid Waste Management
 - Gives the Lake County Executive oversight of specific Solid Waste Management District decisions.
- SB 473—Voluntary Monitoring of Water Resources
 - Establishes a program where volunteers may monitor their wells and provide that data to the Natural Resources Commission.
- SB 474—Analysis of Water Utility Planning
 - Requires the Indiana Finance Authority to prepare an analysis of the planning and long range needs of water utilities.



2016 Legislative Proposals

- E-Waste
 - Changes the reporting deadline from fiscal to calendar year.
- Recycling Reporting Due Date
 - Changes IDEM's reporting deadline in order to align with the recyclers' reporting deadline.
- Land Application
 - Updates definitions to reflect the replacement of the term wastewater with septage.



2016 Legislative Proposals

- Legal Action
 - Removes citations to the administrative code that are no longer valid.
- Mercury Switch Program
 - Extends the life of the program.
- Antidegradation
 - Clarifies when antidegradation demonstrations are required.
- Variance
 - Allows the commissioner to revoke a variance.



2016 Legislative Proposals

- Voluntary Remediation Program (VRP)
 - Allows IDEM to remove participants from VRP if they fail to meet the agency's deadlines.
- Legitimate Use of Waste
 - Allows for the legitimate use of solid and hazardous waste.
- Excess Liability Trust Fund
 - Clarifies eligibility requirements for fund access.



Applicability of RCRA Corrective Action Laws to Current Owners of Hazardous Waste Disposal Sites

IDEM has determined that its authority to order corrective actions under RCRA, I.C. § 13-22-13 *et al.*, and related federal and state rules and regulations, **does not** extend to subsequent owners of hazardous waste facilities if the subsequent owner did not operate such a facility on the site, did not seek or receive a permit to do so, and was not required to seek or receive such a permit.



Clean Power Plan

“I firmly believe that the EPA’s carbon dioxide regulation exceeds the authority granted to the EPA by Congress under the Clean Air Act, and I am pleased that our Attorney General is working with attorneys general from across the country to invalidate the regulation in court.

“Indiana is a manufacturing state and a coal state. Manufacturing requires low-cost electricity to help create jobs. The 28,000 Hoosiers employed directly or indirectly by Indiana’s coal industry can help provide that low-cost electricity from Indiana’s 300-year supply of coal. We have historically produced more than 80 percent of our electricity from coal, and Hoosiers know that coal means jobs and low-cost energy.

“The filing of today’s lawsuit is another step in fighting back against the Obama Administration’s war on coal.”

- Governor Pence, October 26, 2015



Waters of the U.S.

“Accordingly, on due review of the relevant considerations in light of the briefs filed by petitioners, respondents and intervenors, and in the exercise of our discretion, we GRANT petitioners’ motion for stay. The Clean Water Rule is hereby STAYED, nationwide, pending further order of the court.”



Questions?

Carol S. Comer
Commissioner

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